

1 Hon. Richard A. Jones
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 TERRY HOEFER,

11 Plaintiff(s),
12 v.
13 APPLE WASHINGTON LLC, *et al.*,

14 Defendant(s).

No. C17-1369 RAJ

15 STANDING ORDER FOR
16 CIVIL CASES ASSIGNED TO
17 JUDGE RICHARD A. JONES

(Last Revised January 23, 2017)

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19 **READ THIS ORDER CAREFULLY.**
20 **IT CONTROLS THIS CASE AND DIFFERS**
21 **IN SOME RESPECTS FROM THE LOCAL RULES.**

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- Plaintiff(s) must immediately serve this Order on all Defendant(s) along with the Summons and Complaint.
 - If this case was assigned to this Court after being removed from state court, the Defendant(s) who removed the case must serve this Order on all other parties.

This case has been assigned to Judge Richard A. Jones. To secure the just, speedy, and inexpensive determination of this action, counsel are ordered to familiarize themselves with the Federal Rules of Civil Procedure (“Fed. R. Civ. P.”) and the Local Rules (“L.R.”) of the Western District of Washington.

- 1 1. **Mandatory Chambers Copies:** Mandatory chambers copies are required for
2 all e-filed opposed motions, responses, replies, and surreplies, and all
3 supporting documentation relating to opposed motions, responses, replies,
4 and surreplies, regardless of page length.
- 5 2. **Service of Pleadings:** Plaintiff must promptly serve the Complaint in
6 accordance with Fed. R. Civ. P. 4 and file proof of service. Any defendant not
7 timely served will be dismissed from the action. Any “Doe” or fictitiously
8 named defendant who is not identified and served within 90 days after the
9 case is filed will be dismissed pursuant to Fed. R. Civ. P. 4(m).
- 10 3. **Temporary Restraining Orders and Injunctions:** Parties seeking
11 emergency or provisional relief must comply with Fed. R. Civ. P. 65 and
12 L.R. 65.
- 13 4. **Actions Invoking Subject Matter Jurisdiction Based on Diversity:** The
14 burden of persuasion for establishing diversity jurisdiction rests on the party
15 asserting it and must be supported by competent proof. To determine a
16 corporation’s “principal place of business” for the purposes of diversity
17 jurisdiction, the Court will apply the “nerve center” test, which was adopted
18 by the U.S. Supreme Court in *Hertz Corp. v. Friend*, 559 U.S. 77 (2010).
19 The “nerve center” test looks to the single location where the “corporation’s
20 high level officers direct, control, and coordinate the corporation’s activities.”
21 *Id.* at 80. The “nerve center” will typically be the corporation’s headquarters,
22 provided that the headquarters is the actual center of direction, control, and
23 coordination, and not simply an office where the corporation holds its board
24 meetings. *Id.* at 81. Further, the court reminds plaintiffs that they must allege
25 the citizenship of each owner/member of any defendant that is a limited
26 liability company. *See Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d

1 894, 899 (9th Cir. 2006) (“We therefore join our sister circuits and hold that,
2 like a partnership, an LLC is a citizen of every state of which its
3 owners/members are citizens.”). If a party seeks to remove an action to this
4 Court on the basis of diversity in a case where it is not clear from the
5 Complaint that more than \$75,000 is in controversy, the removing party must
6 prove by a preponderance of the evidence that the amount in controversy
7 meets the jurisdictional threshold. *Matheson v. Progressive Specialty Ins.*
8 *Co.*, 319 F.3d 1089, 1090 (9th Cir. 2003). The Court will consider facts
9 presented in the removal petition as well as any summary-judgment-type
10 evidence relevant to the amount in controversy at time of removal. *Id.*
11 Conclusory allegations as to the amount in controversy are insufficient. *Id.*
12 Parties must file an Amended Complaint or Amended Notice of Removal
13 within **fifteen days from the date the action is assigned to Judge Jones** if
14 there is a doubt as to whether they have established the citizenship of the
15 parties or whether they have established the amount in controversy. Failure
16 to comply may result in dismissal or remand.

17 5. **Meet and Confer Requirement:** For all cases, except applications for
18 temporary restraining orders, counsel contemplating the filing of any motion
19 shall first contact opposing counsel to discuss *thoroughly*, preferably in
20 person, the *substance* of the contemplated motion *and any potential*
21 *resolution*. The Court construes this requirement strictly. Half-hearted
22 attempts at compliance with this rule will not satisfy counsel’s obligation.
23 The parties must discuss the substantive grounds for the motion and attempt
24 to reach an accord that would eliminate the need for the motion. The Court
25 strongly emphasizes that discussions of the substance of contemplated
26 motions are to take place, if at all possible, in person. *All* motions must

1 include a declaration by counsel briefly describing the parties' discussion and
2 attempt to eliminate the need for the motion and the date of such discussion.

3 Filings not in compliance with this rule may be stricken.

4 **6. Applications to Seal Documents:** It is the Court, not the parties, that
5 determines whether a document can be filed under seal. The Court will only
6 permit filings under seal if the party seeking to seal the information
7 demonstrates why the public's traditional right of access to court documents
8 and the public policies favoring disclosure are outweighed by good cause (if
9 the motion is not case-dispositive) or compelling reasons (if the motion is
10 case-dispositive or the information is included in the operative complaint)
11 that support keeping the information under seal. The fact that a party has
12 designated a particular document "Confidential" is not sufficient to convince
13 the Court that good cause or compelling reasons exist to seal that document.

14 **7. Attorney's Fees Motions:** All motions seeking attorney's fees must be
15 accompanied by an appropriate declaration that attaches all relevant
16 timesheets and costs.

17 **8. Discovery and Initial Disclosures:** The parties shall not file initial
18 disclosures and other discovery on the court's docket, unless such discovery
19 is the subject of a motion.

20 **9. Legal Citations:** All motions, oppositions, and replies must be supported by
21 relevant legal authority. Citations should be in Blue Book format and must
22 be included in the body of the briefing – the Court does not allow citations in
23 footnotes or endnotes.

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10. Searchable PDFs: All documents filed electronically must be submitted in PDF format to permit text searches and to facilitate transmission and retrieval. Before these documents are electronically filed, the CM/ECF User shall convert the documents to PDF format. These documents may not be scanned.

Failure to comply with this Order may result in sanctions. The Local Rules and Federal Rules of Civil Procedure control any issue not specifically addressed in this Order. The Court thanks counsel and the parties for their anticipated cooperation. Counsel are advised to check the Court's procedures regularly, as they are subject to change.

DATED this 13th day of September, 2017.

Richard A. Jones
The Honorable Richard A. Jones
United States District Judge